

REMARKS

Applicants have carefully reviewed the Non-Final Office action mailed January 19, 2007, and would like to thank Examiner Dunwoody for the allowance of claims 12-22. In response to the Office action, Applicants have amended claims 4-6. Claim 23 was previously cancelled. At least for the reasons set forth below, Applicants respectfully traverse the foregoing rejections. Further, Applicants believe that there are also reasons other than those set forth below why the pending claims are patentable, and reserves the right to set forth those reasons, and to argue for the patentability of claims not explicitly addressed herein, in future papers. Accordingly, claims 1-22 and 24-26 remain pending in this application. Applicants respectfully request reconsideration of the present application in view of the following remarks.

Claim Rejections – 35 U.S.C. § 112

Claims 4-6 were rejected under 35 U.S.C. § 112, second paragraph, as being indefinite. Specifically, the Examiner contends that the claims incorporate recitations of components other than the boot. Accordingly, claims 4-6 have been amended to clearly recite a boot while only functionally mentioning other components. Reconsideration and withdrawal of this rejection is respectfully requested.

Claim Rejections – 35 U.S.C. § 102

Claims 1-11, 24 and 25 were rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent 4,878,389, *Boge*. Applicant respectfully traverses the rejection.

To anticipate a claim, the reference must teach every element of the claim. A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference. *Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987). The identical invention must be shown in as complete detail as is contained in the ... claim. *Richardson v. Suzuki Motor Co.*, 868 F.2d 1226, 1236, 9 USPQ2d 1913, 1920 (Fed. Cir. 1989).

Independent claim 1 positively recites a "plurality of articulating convolutes; a grease catching member; a first stabilizing member joining the plurality of articulating convolutes and the grease catching member, the first stabilizing member for use in selectively circumscribing an inner race of the ball joint at a generally predetermined distance to provide stability at high speed; a plurality of plunging convolutes; a second stabilizing member joining the plurality of

plunging convolutes and the grease catching member.” In contrast, Boge teaches an “uncut bellows” (Column 2, line 15) where two of the uncut bellows are shortened to fit a universal joint, and a “double universal joint” (Column 3, lines 10-11) is covered by identical shortened sections of the two uncut bellows, where the two sections are secured by a strap (Column 3, lines 17-18) while making no mention of joint plunge. (*See Generally*, Column 2, line 62 - Column 3, line 18). Thus, Boge does not teach every limitation of independent claim 1, as required in *Verdegaal Bros.*

Dependent claims, 2-11, 24 and 25 teach independently patentable subject matter, although they are also patentable merely by being dependent on an allowable base claim. As an example, claim 9 recites “wherein the boot is adapted to accommodate crash plunge of at least 30 mm extension and 15 mm compression.” Accordingly, reconsideration and withdrawal of this rejection is respectfully requested.

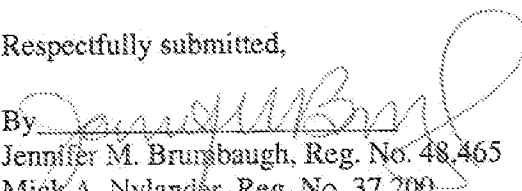
Conclusion

In view of the above remarks, the pending application is in condition for allowance. If, however, there are any outstanding issues that can be resolved by telephone conference, the Examiner is earnestly encouraged to telephone the undersigned representative.

Applicants believe no fee is due with this response. However, if a fee is due, please charge our Deposit Account No. 07-1360, under Order No. G00342/US from which the undersigned is authorized to draw. To the extent necessary, a petition for extension of time under 37 C.F.R. §1.136 is hereby made, the fee for which should also be charged to this Deposit Account.

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Respectfully submitted,

By 
Jennifer M. Brunsbaugh, Reg. No. 48,465
Mick A. Nylander, Reg. No. 37,200
GKN Driveline North America, Inc.
3300 University Drive
Auburn Hills, Michigan 48326-2362
(248) 377-1200